

PERSONNEL POLICY

1-6-99

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301-5

SUBJECT

Policy Series 300: Employee Relations
301 - Grievance Review Process

AMENDS

REFERENCE

RSMo 984.610
 Policy 312
 Policy 317

RESCINDS

Policy 301-4

I. INTRODUCTION

- A. The grievance review process provides all members who have received formal disciplinary action or administrative action which they believe was unjust or based on incorrect information the opportunity for an objective review of the facts to determine if the action taken was fair, equitable, and consistent throughout the department.
- B. Disciplinary action resulting in termination, demotion, or suspension of fifteen days or more may be appealed to the Board of Police Commissioners (RSMo 984.610). Disciplinary actions not appealable to the Board are eligible for grievance review.

II. DEFINITIONS

- A. Formal Disciplinary Action - Disciplinary actions which are eligible for grievance review are:
 1. Disciplinary Counseling.
 2. Letter of Reprimand.
 3. Suspension Days (fourteen days or less).
- B. Administrative Action - An action which creates dissatisfaction and resentment and generally can be classified in the broad areas of:
 1. Favoritism.
 2. Dual Standards.
 3. Arbitrary Assignments, e.g., scheduling of days off or vacations (transfers, injury days, sick days, and limited duty are not considered arbitrary assignments).

A complaint of unfair administrative action must be supported by tangible evidence.

III. POLICY

- A. A member may submit an individual grievance free from restraint, interference, discrimination, or reprisal; and no member will delay or interfere with the processing of grievances under the procedures herein.**
- B. A written grievance must clearly indicate the rationale for requesting a grievance review by citing specific department rules, policies, orders, procedures, or conditions which the member believes apply to the situation.**
- C. Rulings by the Office of Citizen Complaints are not a subject for grievance review.**
- D. Any incident resulting in a hearing before the Board of Police Commissioners shall not be processed as a grievance. When a previously filed grievance is considered in a Board hearing, the decision of the Board shall supersede the decision of the Grievance Committee.**
- * E. Grievance Committees shall be randomly selected through the computer. A member who does not wish to serve on a committee may submit a Form 191 P.D., Interdepartment Communication, through the chain to the Human Resources Manager.**
- F. The committee shall consist of five members to include one captain, one sergeant, one police officer/detective/investigator, and one civilian. The remaining member will be of the same rank as the subject member. Selected members may not have been involved in the incident being reviewed, be assigned within the same division as the subject member or where the incident occurred, or be a relative of the subject member.**
 - 1. The aggrieved member shall be allowed one peremptory challenge of a committee member.**
 - 2. Another member of the same rank as the challenged member will be randomly selected by the computer.**
- G. The Human Resources Manager or designee shall be the Grievance Coordinator. The Coordinator shall:**
 - 1. Not be a voting member.**
 - 2. Receive written grievance requests from members and review to ensure disciplinary action grievances are submitted within time limits and administrative action grievances contain Sufficient cause for a grievance review. If more documentation is needed, the request shall be returned to the member for completion.**

3. Mediate a grievance when the action taken is mutually acceptable to all affected members.
- * 4. Review those members randomly selected to ensure the committee has proper composition and notify the members in writing of their selection.
5. Schedule committee meetings and preside as chairperson of these meetings.
6. Ensure minority reports are developed when there is a dissenting opinion from that of the majority of the committee.
7. Notify all concerned members of the final disposition of each grievance.
 - a. Prepare an annual report of grievances submitted and any significant problems which occurred during the last year and submit to the Chief of Police.
- H. Investigative and internal files prepared within the department will be made available to the aggrieved member and the Grievance Committee unless, in the discretion of the Chief of Police, such disclosure would be contrary to the provisions of Chapter 610 of the Revised Statutes of Missouri or be contrary to good order and discipline within the department.
- I. Committee members shall maintain the confidentiality of all grievances submitted. No portion of the proceedings shall be transcribed or recorded by any person other than the committee's recording secretary.
- J. The Grievance Committee has the authority and responsibility to recommend any or all of the following: further investigation, revision of recommended action, and policy or procedure modifications. Committee recommendations shall be considered by the Chief of Police prior to the final determination of disciplinary action.
- K. The Chief of Police has final authority on the disposition of all grievances and grievance results may not be grieved.
- L. Committee members will be eligible for overtime compensation in accordance with existing department policy. The aggrieved member and the representative will not be compensated for overtime incurred in the presentation of a grievance.

VI. PROCEDURE

A. Formal Disciplinary Action

Upon receipt of notification of disciplinary action of less than fifteen suspension days, the member has seven calendar days to prepare and submit a request for a grievance review. This written request shall clearly indicate the rationale for requesting a grievance review.

B. Administrative Action

1. The member shall document the actions which caused dissatisfaction and forward the request, with the recommendation to minimize and/or resolve the issues or actions, through the chain of command to the bureau commander.
2. If the grievance can be resolved with mutual satisfaction at any level within the chain of command, the resolution shall be documented by the individual resolving the problem, acknowledged by the member, and forwarded through the chain of command to the Grievance Coordinator for filing.
3. If the grievance cannot be satisfactorily resolved, the member shall be notified by the bureau office. If the member desires, a request for a grievance review shall be prepared.

C. To request a grievance review, a member will prepare a written request and include documentation clearly identifying the rationale for the request. If the member believes the decision and/or actions involved are based on inaccurate or incomplete information, the request shall include:

1. Why the member believes there are discrepancies, and
2. A report or written statement from any individual who can verify the member's beliefs.

D. The member must indicate in the written request which of the following two options has been selected for processing of the grievance, i.e., "I have chosen Option ____ for the processing of my grievance."

1. Option One - The written request is submitted to the Grievance Coordinator with a copy to the Chief of Police.
 - a. The member may be assisted in the presentation of the grievance by any willing department member, except the Legal Advisor.
 - b. If a grievance is being processed under this option, the member will not, in any manner, seek the attention of the Chief of Police.

2. **Ootion Two** - The written request is submitted to the Chief of Police with a copy to the Grievance Coordinator.

- a. The Chief of Police will:

- (1) Review the request and meet as appropriate to determine all available information regarding the incident.
- (2) Consider all relevant information.
- (3) Notify the member in writing of the decision regarding the grievance as soon as practical.
- b. When the member receives a written response from or personally discusses the grievance with the Chief of Police, the grievance may not be resubmitted to the Grievance Committee.

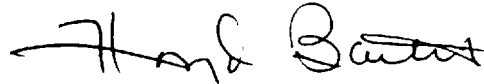
E. The Grievance Committee shall:

1. Review the member's grievance request, the investigative file, and the testimony of the aggrieved member and/or representative and interview any individual who can verify relevant information not included in the investigative file.
2. After all facts pertaining to the incident are collected and analyzed, determine whether:
 - a. The investigation of the incident was adequate to document the event or violation occurred.
 - b. The member's violation/deficiency was clearly documented and the member's treatment was equitable.
 - c. The aggrieved member responded to the allegations by either a memorandum or statement.
 - d. The action taken/recommended, when compared with the totality of circumstances, was:
 - (1) Appropriate.
 - (2) Inappropriate due to: (Explain)
3. Provide a recommendation(s) with supporting documentation to the Chief of Police for final consideration.

4. On Form 71 P.D., Grievance Review Report, provide written documentation of the findings to be considered in the final determination of disciplinary action.

F. The Grievance Coordinator shall:

- 1. Forward the Form 71 P.D. to the Chief of Police who will make the final disposition and return the Form 71 P.D. to the Grievance Coordinator.
 2. Provide copies of Form 71 P.D. with final disposition to the aggrieved member, the member's bureau, and Personnel Records Section.



Floyd O. Bartch
Chief of Police

Adopted,,@, the Board of Police Commissioners this 22nd day
of December, 1998.



Dr. Stacey Daniels
Vice President